

# THE GROUNDS FOR THE CRIMINALISTIC CLASSIFICATION OF PERSONS COMMITTED CRIMES AGAINST PROPERTY

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## Introduction

The process of formation of Kazakhstan as a strong and independent state is associated with considerable difficulties to overcome the political, economic and social nature. The transition to a market economy, the development of private property is characterized by a sharp change in the structure of crime, its growth, the emergence of, new kinds of crimes and ways in which they occurred. Law enforcement agencies faced with the manifestations of corruption counteraction to investigation and solving of crimes.

In this respect, in debt to the practices of forensic science, designed to develop scientifically based advice, relevant features of the disclosure and investigation of crimes in modern conditions. As part of this problem becomes important forensic classification of individuals as one of the necessary conditions for improving the theory and practice criminalistic.

The principle of the inviolability of property enshrined in the Constitution of the Republic of Kazakhstan. However, the proportion of crimes against property is huge in the total mass of the crimes committed in the Republic of Kazakhstan. In this regard, we see the need for a priority to develop a classification of perpetrators of crimes against property.

Our studies allow to bring the following classification of persons committed crimes in the Republic of Kazakhstan. The basis of the first order criminalistic classification of persons is related to the criminalistic activity. And first of subgroups formed in this way, persons carrying out criminal activity, will include known and unknown criminals, and the second person will carry out activities on the disclosure, investigation and prevention of crime<sup>1</sup>.

The basis of the second order of classification

of persons carrying out criminal activities is the type of crime committed by the person.

All crimes in the Republic of Kazakhstan in accordance with the special part of the Criminal Code are divided into the following types:

- Crimes against persons;
- Crimes against the family and minors;
- Crimes against constitutional and other rights and freedoms of man and citizen;
- Crimes against Peace and Security of Mankind;
- Crimes against the constitutional order and security of the state;
- Crimes against property;
- Crimes in the sphere of economic activity;
- Crimes against interests of service in commercial and other organizations;
- Crimes against public safety and public order;
- Crimes against public health and morality;
- Environmental crime;
- Transportation crime;
- Corruption and other crimes against the interests of the state service and the state governance;
- Crimes against the order management;
- Crimes against justice and the order of execution of punishments;
- Military crime.

The following operating systems but it was neither this classification is a method of committing the crime. The methods of committing crimes against property is classified:

- 1) In fact application and objectives of crime guns:
  - with the use of guns;
  - without the use of guns.
- 2) According to the degree of preparedness:
  - with preliminary preparation;
  - without it.

With the use of instruments of crime (cold steel and firearms, gouges, a crowbar, ax) is made 46% of thefts of another's property. All these methods can be classified according to the aim how guns are used:

- for the purpose of intimidation or causing damage to a victim of crime;
- in order to overcome any material barriers.

In order to demonstrate intimidation firearms or edged weapons used by him as a subject (87 % cases). Often accompanied by a demonstration of firearms production shots in the direction of the victim, which allows further identification of the weapon on the next shot and the sleeve.

Usage firearms or cold criminals, most often weapons carried away from the accident site. When the use of firearms are still traces of the shot on the barriers, casings from bullets. From the use of bladed weapons are signs of damage on the victim's clothing<sup>2</sup>.

Naturally, using the last 2 ways as there are traces in the form of injuries to those le sacrifice.

At penetration through the window at the wings and frame may remain traces of extraction from solid metal objects (an ax, a chisel, mount, crowbar etc.). At penetration through the other obstacles (walls, floors, overhead slabs) around the breaks on the individual bricks, boards and large fragments (flakes), separated at the time of breaking can be detected traces of hacking tools used (scrap, cleaver, a sledgehammer, ax, saws, drill, brace and etc.). When using drill bits, drill on the ground breaking of them remain in the message boards and other wooden items through and non-through (blind) holes of great criminalistic value. At the bottom of the non-through holes usually have grooves and ridges, micro-relief showing the cutting edge of the drill, brace. Destroying some obstacles (doors, windows, walls, ceilings, locking devices, gratings, and etc.), criminals are using increasingly plumbing tools, joinery, or household items (crowbar, ax), at least – specially made hacking tools<sup>3</sup>.

On removable (hinged) locks, depending on how they break, there may be traces of tearing, sawing or snack arches.

Often the metal rods (crowbars, „crowbar”) criminals use for pulling handles. On the door jambs and its traces remain depressed end gun hacking and shut, breakdowns and linings – traces of metal seal and slip traces. In some cases, depressed traces and slip traces can be left for details and u on the gun hacking. When hacking locks criminals with the help of a solid metal plate, a screwdriver or

chisel permeate the lockable end bolts in the lock case. On the surface of the crossbar, and the front striker plate are hacking tools from traces of metal seals or slip traces.

When unlocking keys or master keys selected tracks from their use remain on the inner parts of the lock, so to check the version of such a method of overcoming obstacles must immediately appoint examination<sup>4</sup>.

When investigating the theft of another's property, committed with guns, this fact is of particular importance. The ability to master the instrument of breaking and specificity of its application allows to judge about the individual characteristics of the person acting, his mental and physical characteristics that are reflected in the following acts committed with the use of an object.

Motor skills related to the use of guns, have the property of self-locking, which is a structural element of their mandatory. Snap-through tool and automated ha ra ct er manifestations on to you to let you receive the most objective information about the properties of the human person, as this information is shown and is fixed regardless of the content of consciousness and volition. And one thing is important. Trace motion, action, if they are carried out with the help of guns – is simultaneously the following tools. It contains um information not only about perfect action, but also the tools features. Identification on the left, they should guns has been a significant means to solve the crime and identify the person who enjoyed their instrument.

The methods of committing crimes against property committed without the use of any tools, can be divided into violent and non-violent. In the first case, in order to capture the property of obstacles that sub nuts (not necessarily the victim) blows can be applied hands and foot E, can crush the cases without the use of auxiliary means. Traces from the use of this method, most often remain at the very victim of a crime: abrasions, bruises, and other bodily s damage; damage on the clothes; possible to foliation microfibers with clothes offender and on the clothes of the victim<sup>5</sup>.

By violent ways we conventionally refer and psychological violence against the person – fraud or breach of trust. This is one way of moral violence against the person, when a criminal action in the process of the victim is formed, I declaration of will, on the basis of read only the false understanding of the situation. This group of methods is used not only for fraud. Enough is widespread fraud in the robbery at the apartment

(in order to penetrate into it), and theft (when one partner distracts the victim, and the other secretly committing embezzlement) etc. The main technique used in this way – is the transfer of information to a potential victim with a view to introducing it into the delusion that facilitates access to the offender subject of a criminal assault.

Violence and other gun crimes do not apply if the victim is known to the offender, will not serve to protect Steals property (leave open windows on the lower floors, no checks for unauthorized persons in the store after closing; arranges items on the shelves in such a way that it becomes easy prey to criminal and etc.).

In such theft of another's property is a small number of tracks, mostly footprints, which, as a rule, does not seem to remove m are possible, because the time of the arrival of the investigation group they already are trampled<sup>6</sup>.

Most of the crimes against property (85.75%) is accomplished with preparation. These actions can be as follows:

- 1) Preliminary examination of the crime scene (37%). In this case the offender can see are any persons, what needs to be taken into account during the investigation.
- 2) Drawing up a plan of action (32.2%).
- 3) Preparing counterfeit documents or using previously stolen (9.5%).
- 4) The use of gloves, masks, a disguise (28.6%).
- 5) Preparation of vehicles (40.4%).
- 6) Preparation of hacking tools, keys, master keys, containers for stolen property (40.5%).
- 7) Selection of partners (29.7%).
- 8) Training places storage of stolen property (19.1%).
- 9) Selecting a convenient place (the time of) the crime was committed (38.1%) and etc.

Without preliminarily before the first training committed so-called spontaneous theft of another's property, due to the lack of protection of property, the specific time, place and other circumstances.

As a rule, any crime against property crime goes through the stage of concealment. It does not depend on whether or not the offense is prepared. Even if the offense was committed spontaneously, the offender thinks, to not stay ka build tracks where handling stolen, and etc.

All concealment of techniques can be divided into 3 groups – acts committed before, during and after the crime. The first group includes:

- preliminary preparation of a false alibi (16.2%);

- commission of a crime is not the place of residence or permanent residence;
- use of foreign vehicles for arrival and departure from the scene of the crime (47.7 %);
- preliminary preparation of of unimpeded handling stolen (19.1%);
- preconditioning of places to hide after the crime;
- the use of masks or other means exterior masking (28.6%);
- the use of fake documents and others (9.5%).

During the commission of crimes against property can be used the following methods concealment of:

- stealing money and items that do not have the individual's symptoms;
- committing theft with minimal disruption to the usual order of the crime scene;
- leaving in place the theft of items belonging to others.

After committing the crime, criminals use the following methods concealment of:

- immediate ote d from the crime scene. Recently I vehicles were used most often, drivers who are engaged in „private carrying”;
- premises stolen property in secret storage (29.55%) and its realization after a substantial period of time (more than 3 days – 56.25 %);
- destruction of weapons used to commit a crime;
- alteration of stolen items.

The situation of crimes against property characterized by a combination of various environmental factors. First of all, this is the place and time of the theft, as well as the subject of storage conditions<sup>7</sup>. According to the crimes in question can be distinguished:

- 1) Full-time theft committed with the use of guns breaking in order to overcome any physical barriers (68.2%) without any application (65.9%).
- 2) The evening, when the action committed with the use of guns for the purpose of intimidation or injury (68.75%).

Analysis of Criminal Affairs Minister suggests that 60% of embezzling the first vehicles is done with intent to sell, 40% – the sale of individual units and parts.

At the scene of the theft, you can select different rooms (warehouse, shop, apartment and etc. – 70.3%); street (yards, parks and squares – 29.7%); transport cars, trains and etc.).

In rural areas, crimes against property committed with agricultural fields, farmsteads citizens,

power lines, sites sludge agricultural farms and etc. It should be noted that the criminals who have extensive „professional” experience, often used purely psychological factors to select the scene.

Among the classifications offender relevant to the formation of a system of forensic characteristics include the division by gender, age, ethnicity, educational level, financial position, occupation, criminal background, lifestyle, health and others<sup>8</sup>.

From the standpoint of investigation and comparison of the investigator factual information with the standard seems the most rational classification of the following: single (not previously convicted, previously convicted for theft or extortion, previously convicted for other crimes); a group of people (by prior agreement, organized group; gang).

Persons previously convicted (46.1% of the total number of individuals), most often make spontaneous crimes against property, taking advantage of a favorable situation for them. However, increasing the „release” from the sphere of social production a significant number of able-bodied population, its weak social protection and, as a result, an increasing proportion of the poor, and correspondingly increases the number of people willing to wrongful lifestyle. An analysis of the practice shows that the circle of perpetrators of the theft of another’s property, replenished by the unemployed and the unemployed population.

The vast majority of thefts (81.25%) are committed by men aged 18 to 25 years – 29.2%, from 25 to 35 years – 43.75%, over 35 years – 18.75%, usually abusing alcohol or drugs that do not have permanent source of income, negatively characterized.

Women are more likely to commit theft of a non-violent way – by 12.5%, violent way without the use of tools – 6.25%.

This group of persons also includes employees of companies and organizations that commit theft in these enterprises through free access (29%). The subject of a criminal assault is manufactured products.

This category of criminals „adjacent” close enough to a person previously convicted for the commission of other crimes (16.8%). The study of criminal cases showed that 37.1% of thefts of another’s property committed by previously convicted for similar crimes. These individuals usually do not commit crimes, where live or work.

It should be borne in mind that has been previously convicted for similar crimes tend to desire to hide its links not only with the criminal world, but also with relatives close. An experienced criminal, as a rule, by nature resourceful, focused clearly in the situation and in the psychology of people (including the investigator), quickly remembers details of the behavior of the victim, correctly evaluates the financial condition of by their clothes, not only adults but also teenagers, never misses opportunities to commit embezzlement at a convenient time for this.

Among those previously convicted for crimes against property, especially allocate „guest performers” who have committed crimes in the same village, immediately go to another. Such an offender is not associated with the family, work and permanent residence. Coming to a new place, it quickly acquainted with the situation, finds people from the criminal environment, which can help use to find the object of crime, and in marketing of stolen. Often the person stays with his friends, former partners, persons serving with him a punishment, as well as their relatives and acquaintances or citizens who rent a room for the night for a fee, in women easy behavior. These individuals usually illegible in the selection of tenants are not interested, why they came to this area, do not ask the documents<sup>9</sup>.

Crimes against property committed by a group of persons by prior conspiracy 55.2% of cases. Most often, the group consists of 2–3 people, at least – from a larger number of people. As a rule, members of the group had not previously tried, aged between 14 and 30 years, the division of roles in the group there, but already formed the leading core of the most active and influential members of the group. As a rule, it consists of people with the most severe and anti-social attitudes. On preliminary arrangement by group can be mixed (participation of both men and women – 9.4%).

Minors also make a large number of crimes against the person. As a rule, they have committed a crime group. However, be aware that the partners are not always specific theft odes or the same. It depends on various circumstances, due mainly to the fact that teens give birth to live lyami exercising control over them and limit their free time. When survey Minors of prisoners 53% said that their group’s was from 3 to 10 people. In addition, it should be noted that criminal groups of minors includes not only the actual perpetrators of theft, but also teenagers who knew about

the coming of a crime or knowing that the offense was committed, assisted criminals or enjoyed the benefits of the criminal acts of his friends (joint drinking, driving a taxi, gifts) – the so-called „remora”. 45 % minors are characterized positively and in school and at home, even though most of them at the time of criminal liability already were registered in the police force<sup>10</sup>.

Often, minor theft committed in complicity with adults in age from 19 to 24 years. The presence of an adult partner greatly affects the organization group. The circle of participants of the group becomes more closely (4–5 people), they commit more thefts (6–7 episodes) and longer exist.

In most cases (60%) adult partners do not work anywhere, do not learn, and funds obtained by criminal means, are mostly on their needs. Often adult partners are previously convicted for similar crimes (48%).

### Conclusion

1) The methods of committing crimes against

property can be classified on the fact and the purposes of application instruments of crime (with the use of tools – for the purpose of intimidation or causing damage to the victim of a crime or to overcome physical barriers, without the use of tools – the violent, which include the use of psychological violence, and non-violent, the degree of preparedness – with preparation).

- 2) Analysis of the situation of crimes shows that during the day the crime committed with the use of guns in order to overcome any obstacles or tools do not apply; and in the evening – tools used for the purpose of intimidation or causing bodily harm.
- 3) Classification of the perpetrators of crimes against property: single (not previously convicted, previously convicted for other crimes; previously convicted for theft or extortion); group (and by prior agreement; organized; gangs). The dependence of the age – minor and adult persons.

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### Anotācija

Raksts veltīts kriminālistiskās klasifikācijas kompleksa izpētei kriminālistikas zinātnē, analizējot iespējamās pretrunas un meklējot nepilnību novēršanas iespējas. Noskaidrotas kriminālistiskās un taktiskās klasifikācijas sistēmu izmantošanas iespējas zinātnē, praksē un mācību-pedagoģiskajā darbībā.

Rakstā atspoguļotas noziedzīgo nodarījumu pret īpašumu kriminālistiskās klasifikācijas īpatnības. Secināts, ka šādas klasifikācijas kritērijs var būt īpašuma noziedzīgu apdraudējumu veids, nozieguma rīku un līdzekļu izmantošanas fakts un šādas izmantošanas mērķis, nozieguma izdarīšanas apstākļi, kā arī noziedzīgo nodarījumu izdarījušo subjektu īpatnības.

### **Аннотация**

Цели исследования состоят в комплексном изучении классификаций в криминалистической науке, устранении имеющихся в них противоречий и пробелов, определении возможностей использования тактико-криминалистических классификационных систем в научной, практической и учебно-педагогической деятельности. Одной из поставленных авторами задач является определение особенностей криминалистической классификации лиц, совершивших преступления против собственности.

В статье показано, что основаниями криминалистической классификации могут служить способы совершения преступлений против собственности (по факту и целям применения орудий преступления), обстановка совершения преступлений, а также предложена классификация лиц, совершивших преступления против собственности.